

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBBIE D. WHITE,

Plaintiff,

v.

CITY AND COUNTY OF WEST  
SACRAMENTO, et al.,

Defendants.

No. 2:20-cv-02383 TLN AC PS

FINDINGS AND RECOMMENDATIONS


Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). This action was commenced on December 1, 2020. ECF No. 1. Though it has been pending for nearly three years, the case has progressed little. Plaintiff has been intermittently represented by counsel; the most recent counsel withdrew on May 23, 2023. ECF No. 105. On October 23, 2023, defendants filed a motion to compel discovery responses, set to be heard on November 29, 2023. ECF No. 124. Plaintiff did not file an opposition or statement of non-opposition. Concerned that plaintiff had abandoned this case, the court issued an order to show cause within 14 days why this action should not be dismissed for failure to prosecute. ECF No. 128. Plaintiff was cautioned that failure respond would lead to a recommendation that the action be dismissed. Plaintiff was specifically cautioned that, due to the length of time this case has been pending, the court would

1 recommend dismissal be with prejudice. Plaintiff again did not respond. Plaintiff has not  
2 responded to the court's orders, nor taken any action to prosecute this case.

3 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, with  
4 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.  
5 Civ. P. 41(b); Local Rule 110.

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)  
8 days after being served with these findings and recommendations, plaintiff may file written  
9 objections with the court. Such document should be captioned "Objections to Magistrate Judge's  
10 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file  
11 objections within the specified time may waive the right to appeal the District Court's order.  
12 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: December 18, 2023

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15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE  
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